

CITY OF CHICO
Administrative Procedure and Policy Manual

Subject: PEPPER SPRAY POLICY	Number 13-51
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	Approved: <u>Mark Sorensen</u> <small>Mark Sorensen (Oct 20, 2023 09:19 PDT)</small>

I. PURPOSE

The purpose of this policy is to provide guidance to non-sworn City employees who, in the course of City employment, plan to carry Oleoresin Capsicum (OC), hereafter referred to as Pepper Spray.

In order to defend against violent people or animals, the City of Chico authorizes officers to use pepper spray in accordance with the guidelines in this policy, as described herein.

II. POLICY

A. Authority:

Per the City Manager, City of Chico employees are authorized to carry pepper spray while at work so long as they have completed pepper spray training within the 48 months prior.

B. Use Criteria:

If City staff believes or has concern that a particular inspection of a property, contact with the public, or an encounter with an animal has a high probability of aggression or violence, the first course of action is to request Police or Animal Control involvement to keep the peace while staff is performing work. If the staff member believes that the threat is serious or immediate, staff should withdraw from the property or the situation.

As with other control devices, (OC)/ pepper spray may be considered for use to bring under control an individual or animal that is engaging in, or are about to engage in, aggressive or violent behavior. OC/ pepper spray should not, however, be used against individuals who do not reasonably appear to present a risk to the safety of the City employee or the public. City employees are not immune from the provisions against assault and battery, California Penal Code §§ 240-242.

Each situation must be evaluated on the totality of circumstances at the time of deployment of OC/ pepper spray. The need to immediately defend oneself from aggressive or violent behavior must be weighed against the risk of causing injury to another.

The City recognizes there are situations in which an employee may feel more comfortable performing their regular job duties while carrying pepper spray. The use of pepper spray by City of Chico employees other than sworn peace officers is restricted to:

1. Defensive purposes when protecting oneself from personal injury and/or to stop further physical injury to oneself or to others, in compliance with California Penal Code Sections 692, 693.1, and 694;
2. Inability of staff to remove themselves from a direct threat; a person or animal fails to respond to communication to calm the situation.
3. An imminent attack to their person.
4. Responding to the direct order of a law enforcement officer; or
5. Coming to the aid of assistance of a law enforcement officer who is not able to give a direct order.

Staff shall not attempt to restrain an individual or animal that has been sprayed with pepper spray.

C. Training:

City employees who choose to carry pepper spray in the course of their work with the City, must do so in a safe and responsible manner. Therefore, all non-sworn employees who choose to carry pepper spray at work must participate in a mandatory, personal safety training course conducted by an authorized trainer, as designated by the City of Chico (Training Manager).

The Training Manager shall ensure that all personnel who are authorized to carry an OC/pepper spray device have been properly trained to use their device. Proficiency training shall be monitored and documented by the instructor. All training and proficiency for control devices will be documented in the officer's training file.

D. Storage, Maintenance and Replacement:

Pepper spray shall be stored in a secure location.

All pepper spray devices shall be maintained by the City employee. Therefore, City employee must be observant of the expiration date and operational/storage requirements as determined by the manufacturer.

E. Purchase of Pepper Spray:

Employees are responsible for purchasing pepper spray. The City does not provide pepper spray reimbursement due to the elective nature of this policy.

III. PROCEDURE FOLLOWING DEPLOYMENT OF PEPPER SPRAY

- A. If an employee deploys pepper spray during the course of their work, the Police Department must be contacted as soon as practicable so that a police report can be filed.
- B. Employees must notify their supervisor of the deployment of pepper spray and an Incident Report must be filed with Risk Management.